

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAMES A. SMITH,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:08-cv-393-MHT
)	(WO)
ALLTEL COMMUNICATIONS,)	
INC.,)	
)	
Defendant.)	

ORDER

The magistrate judge entered a recommendation (Doc. #41) in this case to which no timely objections have been filed. After a review of the recommendation and after an independent and de novo review of the entire record, the court believes that the recommendation should be adopted. Accordingly, it is ORDERED that:

- (1) The recommendation (Doc. #41) of the magistrate judge is adopted.
- (2) Defendant's motion for summary judgment (Doc. #31) is granted.

A separate judgment shall be entered.

Done this 23rd day of November, 2009.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE